

**REMARKS****I. Introduction**

Claims 1, 3, 5-10, and 12-28 are currently pending in the application. Applicant has not amended any claims by this response. The issues in the Office Action mailed January 12, 2005 are as follows:

- The Examiner has requested an Information Disclosure Statement that complies with 37 C.F.R. §1.98(a)(2).
- Claims 1, 3, 5-9, and 14-20 are rejected under 35 U.S.C. §102(e) as being unpatentable over US 6,711,357 (hereinafter, *Brewer*).
- Claims 10-13 and 21-27 are objected to, but are otherwise indicated as allowable.
- Claim 28 is allowed.

Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

**II. Information Disclosure Statement**

The Examiner has required an Information Disclosure Statement (IDS) compliant with 37 CFR 1.98(a)(2). Applicant stated in the response of August 24, 2004 that an IDS was included; however, Applicant inadvertently left the IDS out of that submission. Applicant apologizes for the confusion and submits herewith a compliant supplemental IDS.

**III. Claim Objections**

The Examiner has objected to claims 10-13 and 21-27 for depending upon rejected base claims, but otherwise indicates that those claims are allowable. Applicant thanks the Examiner for this indication of allowability.

**IV. Allowed Claims**

The Examiner has indicated that claim 28 is allowable. Applicant thanks the Examiner for this indication of allowability.

**V. Claim Rejections**

Claims 1, 3, 5-9, and 14-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Brewer*. Applicant traverses the rejection.

To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). As discussed further below, these requirements are not satisfied by the 35 U.S.C. § 102 rejection because *Brewer* does not teach every element of the claims.

Claim 1 recites, in part, “wherein decisions of said selecting and said interchanging are initiated by a control processor selected from the group consisting of a master control processor (MCP) and shelf control processors.” *Brewer* does not teach this limitation. The Office Action points to the portions of *Brewer* at column 4, lines 56-57, column 6, lines 62-65, and figure 1, element 105. Element 105 is an optical switch shelf, and *Brewer* does not teach that it includes “a control processor selected from the group consisting of a master control processor (MCP) and shelf control processors.” The cited portions from the specification also do not teach the above-recited feature of claim 1. Therefore, *Brewer* does not teach “wherein decisions of said selecting and said interchanging are initiated by a control processor selected from the group consisting of a master control processor (MCP) and shelf control processors,” as recited by claim 1.

Dependent claims 3, 5-9, and 14-20 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, *Brewer* does not teach or suggest all claim limitations of claims 3, 5-9, and 14-20. It is respectfully submitted that dependent claims 3, 5-9, and 14-20 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, it is

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respectfully requested that the 35 U.S.C. § 102(e) rejection of claims 1, 3, 5-9, and 14-20 be withdrawn and those claims passed to issue.

**VI. Conclusion**

In view of the above, each of the pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 59182/P015US/10025411 from which the undersigned is authorized to draw.

Dated: April 12, 2005

Respectfully submitted,

By Thomas W. Kelton

Thomas Kelton

Registration No.: 54,214

FULBRIGHT & JAWORSKI L.L.P.

2200 Ross Avenue, Suite 2800

Dallas, TX 75201-2784

(214) 855-7115

(214) 855-8200 (Fax)

Attorney for Applicant